

### REMARKS

Applicants thank the Examiner for the through consideration given the present application. Claims 1, 3, 4 and 7-21 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

#### *Entry of Amendment*

Applicants submit that entry of the present Amendment is appropriate since the changes are designed to answer the Examiner's rejections under 35 USC 112 and otherwise clarify the invention. Applicants submit that no new issues are being presented. Accordingly, entry of the Amendment and full consideration thereof is respectfully requested.

#### *Rejection Under 35 USC 112*

Claims 1, 3, 4, 6, 7, 10-13, 18, 19, 22 and 23 stand rejected under 35 USC 112, first paragraph as failing to comply with the written description requirement. In particular, the Examiner objected to phrases "issuing a command" and "issuing information". By way of the present Amendment, Applicants have removed the "issuing" and instead have used the term "outputting". In view of this, Applicants submit that this rejection is overcome. In particular, it is noted that paragraph [0052] of the specification describes the information on the number of the skip blocks is transferred and reported. Accordingly, Applicants submit that this terminology is appropriate.

The Examiner also objected to the limitation "next right, and" in claim 10. By way of the present Amendment, Applicants have corrected this to read "next write, and". Accordingly, both of these problems are now believed to be overcome.

Claim 3 stand rejected under 35 USC 112, second paragraph as being indefinite. The Examiner states that there is insufficient antecedent basis for "the outputted information". Since Applicants have now amended claim 1 to refer to the outputting of information, Applicants submit that sufficient antecedent basis is now present in the last paragraph of claim 1.

*Rejection Under 35 USC 102*

Claims 1, 3, 4 and 6-23 stand rejected under 35 USC 102 as being anticipated by Gotoh et al. (WO 98/14938, which is the equivalent of US 6,292,265). This rejection is respectively traversed.

Concerning the Gotoh et al. reference, Applicants note that the 102(e) date for the US Patent is August 10, 1998 which is after the priority of date of July 1, 1998 of the present Application. However, the Examiner is correct that the PCT publication date of the April 9, 1998 allows the equivalent PCT publication to be applied against these claims.

The Examiner states that Gotoh et al. shows a method for a managing a defective area on a recording medium including a defect management area having a defect management information which indicates the position of a defective area. The method includes the steps of receiving a command for recording, determining if the found defective block is listed, skipping the defective block if it has been listed, identifying the number of blocks which have been skipped and issuing information associated with a number of blocks skipped. Applicants submit that the present claims are not anticipated by this reference.

Claims 1 and 10 have been amended to add the limitation that the listing in the defect management information occurs "prior to recording data". In addition, the claim already includes the limitation of "skipping the defective block and recording data in a next available block if the found defective block has been listed in the defect management information". Applicants submit that Gotoh et al. does not show these features. In column 8, lines 62-57, Gotoh et al. discloses on an AV file reproduction operation, the AV data is reproduced while skipping defective sectors with reference to the allocation descriptors in the file entry. There is no statement in the reference of "determining the listed defective block prior to recording data" or "skipping the listed defective block during the recording".

Furthermore, Gotoh et al. does not disclose "generating information associated with a number of skipped blocks. Columns 14 and 15 of Gotoh et al. describe the detailed error information and address information of the skipped ECC blocks. The detailed error information merely indicates that the acceptable number of skips is exceeded and the address information of

the skipped ECC blocks indicates the address of the skipped ECC block. This information is different from that of the present claimed invention regarding the information on the number of skipped blocks.

Claim 1 has been further amended to add the limitation of previously found claim 6 of receiving a logical block address to designate a recording position and a transfer length information to identify an amount of data to be recorded. Gotoh et al. merely discloses that a continuous free area of 5MB or larger is searched for by ECC blocks based on the contents of the space bit map. The continuous free area and space bit map do not indicate an amount of data to be recorded. Accordingly, Applicants submit that claim 1 is not anticipated by this reference.

In regard to independent claim 8, Gotoh et al. does not describe receiving a command including type information to indicate that the recorded data is real time data. Gotoh et al. shows the AV attribute bit being read out from the file entry in the recording medium and not from a command. Furthermore, Gotoh et al. does not describe “information indicating whether the defective block has been replaced by a spare block” and “determining whether the defective block as been replaced by the spare block based on the information”. The AV attribute bit of Gotoh et al. is attribute information for determining whether there is an AV file or not. Accordingly, Applicants submit that claim 8 is not anticipated by this reference.

As indicated above, claim 10 includes similar limitations to those described above in regard to claim 1. Accordingly, this claim is also allowable for the same reasons mentioned above in regard to claim 1.

Claim 20 has now been amended to add the limitation of “storing an identification information to indicate that the defective area is not replaced with a spare area”. Applicants submit that Gotoh et al. does not disclose the identification information indicating that the defective area has not been replaced by a spare area. Accordingly, Applicants submit that claim 20 is likewise allowable.

Claims 3, 4, 7, 9, 11-19 and 21 depend from these allowable independent claims and as such are also considered to be allowable.

*Conclusion*

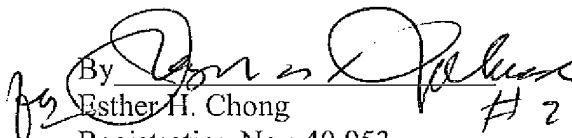
In view of the above remarks, it is believed that claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse Reg. No. 27,295 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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